

REMARKS

Reconsideration and allowance are requested.

This Response After Non-Final Rejection will confirm the substance of the December 23, 2003 telephone interview between Examiner Lee; applicants' representative Thomas Steinhausler; and applicants' attorney Thomas A. Hodge.

I. The Rejection Under Section 102(b)

In the October 7 Office Action, Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Heel et al. U.S. Patent 5,094,797. This rejection is traversed in view of the following remarks and the December 23 telephone interview.

As stated in the prior Amendment filed on August 20, 2002, and as discussed during the December 23 telephone interview, the present invention relates to pigmented molding compositions that have good weatherability. The term "weatherability" refers to the stability of a molded article to environmental factors, such as humidity, ultraviolet radiation, temperature, etc.; refer to page 2 of this application.

The weatherability of a molded article is noticed primarily in the gloss and color retention of that article as a result of exposure to environmental factors. However, over time and after exposure to environmental factors, the pigmented molded articles of the prior art tend to lose color and gloss.

Therefore, a critical element in the present invention is that of weatherability, as shown by applicants' claims. This element, however, is neither taught by nor obvious from the Heel et al.

patent. Stated another way, the cited Heel et al. patent is not concerned with weatherability and, therefore, does not provide any teaching or suggestion in that regard. Applicants submit that the previously-filed March 28, 2003 Affidavit of Dr. Friedrich Goffing and the previously-filed August 25, 2003 Supplemental Affidavit of Dr. Friedrich Goffing are clear evidence of this lack of teaching or suggestion in the Heel et al. patent.

Further, the Heel et al. patent fails to teach or suggest the use of a material as defined by Part B of applicants' independent Claims 1 and 12 ---an ultraviolet light absorbing material or a hindered amine light stabilizing material. There is simply no teaching or suggestion of either of these materials in the Heel et al. patent.

In lines 40-41 of column 3, the Heel et al patent states "Suitable further customary additions are reinforcing fibers, fillers, inhibitors, initiators and thickeners". Further in column 3 and into column 4, the cited patent discloses "suitable inhibitors" and "suitable additional stabilizers". However, as would be recognized by those skilled in this art, the inhibitors and stabilizers of the Heel et al. patent **are not the light absorbing or light stabilizing materials which are essential to applicants' invention.**

To the contrary, the inhibitors and stabilizers of the Heel et al. patent are used to prevent premature curing of the molding compounds which are the objective of that patent. As would also be recognized by those having skill in this art, the inhibitors and stabilizers of the Heel et al. patent do not provide the light absorbing or light stabilizing effects which are necessary for the molding compositions of applicants' invention.

Therefore, this rejection under Section 102(b) should be withdrawn.

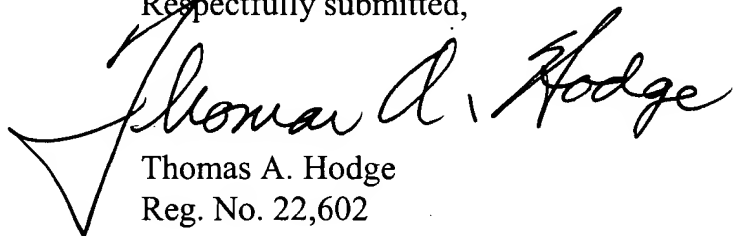
II. The Indication of Allowable Subject Matter

In the October 7 Office Action, the Examiner also objected to Claims 23-24 as being dependent upon a rejected base claim, but then stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Based upon the above reasoning in support of the withdrawal of the rejection under Section 102(b), applicants maintain that Claims 23-24 are allowable in their present form.

In view of the above remarks and the December 23 telephone interview, applicants maintain that the present application is in condition for allowance, which action is requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Thomas A. Hodge". The signature is written in a cursive style with a large, stylized initial 'T'.

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